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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,707	03/30/2001	Val J. Dare-Bryan	105760	4480

25944 7590 03/12/2003

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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT PAPER NUMBER

3616

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/820,707

Applicant(s)

DARE-BRYAN, VAL J.

Examiner

Joselynn Y. Sliteris

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 11 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Acknowledgement***

1. Examiner acknowledges receipt of applicant's Amendment and Proposed Drawing Changes (filed 1/6/03).

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both drive unit (Figs. 3, 4) and rubber support (Fig. 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3616

5. Claims 1-6, 8-10, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurde (U.S. Patent 4,669,571).

6. Regarding claim 1, Kurde discloses a wheel suspension assembly as in the present invention, comprising:

a suspension member 92, 94 which is rotatably attachable to the chassis 10, the suspension member being designed to rotatably receive a wheel 104;

a drive unit 70 which is mountable on the chassis; and

a transmission unit 72, 76, 82, 80, 44 being extendible and retractable between the drive unit and the wheel (Figs. 5, 6; abstract, column 7 line 62-column 8 line 2; column 8 line 56-column 9 line 30).

7. With respect to claims 2-6, 8-10, 12, 14, and 15, Kurde discloses the suspension assembly:

- further comprising a transverse beam 18 attached to the chassis, the suspension member being attached to the transverse beam;
- wherein the suspension member is attached to the transverse beam at one end of the beam;
- further comprising vibration isolators 20, 21 between the beam and the chassis 10;
- wherein the transmission unit comprises a gear reduction unit;
- further comprising a control unit;
- wherein the drive unit is a motor;

Art Unit: 3616

- further comprising a pivot which is rotatably attachable to the chassis, the suspension member being attached to the pivot;
- wherein the suspension member 94 is a trailing arm suspension unit;
- wherein the transmission unit comprises a constant velocity joint being extendible and retractable between the drive unit and the wheel (Figs. 5, 6);
- wherein the transmission unit comprises a gearbox aligning the rotational axis of the drive unit with the rotational axis of the wheel;
- wherein the drive unit is mounted on the chassis above the transverse beam, and wherein the transmission unit includes a downwardly extending drive shaft.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 13, 16-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurde.

10. Regarding claim 16, Kurde discloses a wheel suspension assembly as in the present invention, comprising:

at least two spaced suspension members 92, 94 which are rotatably attachable

Art Unit: 3616

to the chassis 10, each of the at least two suspension members being designed to rotatably receive a wheel 104;

a drive unit 70 which is mountable on the chassis; and

a transmission unit 72, 76, 82, 80, 44, the transmission unit interconnecting said drive unit to one of the wheels, said transmission unit transferring a drive force from said drive unit to said one of said wheels, the transmission unit being extendible and retractable between said drive unit and said one of said wheels.

But Krude does not disclose at least two drive units and at least two transmission units.

However, to provide at least two drive units and at least two transmission units represents a change in number, not in kind and as such, would have been obvious to one of ordinary skill in the art. In re Harza, 124 USPQ 378.

11. With respect to claims 17, 18, 20, and 22, Kurde discloses the suspension assembly:

- further comprising at least two pivots which are rotatably attachable to the chassis, each of said at least two suspension members being attached to one of said at least two pivots;
- wherein the suspension members 94 are trailing arm suspension units;
- wherein said transmission unit comprises a constant velocity joint being extendible and retractable between said drive unit and one of said wheels;
- wherein said transmission unit comprises a gearbox aligning the rotational axis of the drive unit with the rotational axis of the wheel.

Art Unit: 3616

12. Regarding claim 7, Kurde discloses the claimed invention except for a drive unit provided for each wheel of a pair of wheels. However, to provide a drive unit provided for each wheel of a pair of wheels represents a change in number, not in kind and as such, would have been obvious to one of ordinary skill in the art. In re Harza, 124 USPQ 378.

13. Regarding claims 13 and 21, Kurde discloses the claimed invention except for the transmission unit comprising two constant velocity joints being extendible and retractable between the drive unit and the wheel. However, to provide a transmission unit comprising two constant velocity joints being extendible and retractable between the drive unit and the wheel represents a change in number, not in kind and as such, would have been obvious to one of ordinary skill in the art. In re Harza, 124 USPQ 378.

#### ***Allowable Subject Matter***

14. Claims 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.


**Conclusion**


16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon-Fri 8:30 am - 6:00 pm; alternating Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-2571 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

JYS   
March 10, 2003

 3/10/03  
PAUL N. DICKSON  
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TECHNOLOGY CENTER 3600